

**United States Court of Appeals
For the First Circuit**

No. 05-2577

MANDATE

ANTHONY P. SCAPICCHIO, M.D.,
Plaintiff, Appellant,

v.

MOUNT AUBURN PROFESSIONAL SERVICES, a Massachusetts
non-profit corporation; MOUNT AUBURN HOSPITAL, a hospital
incorporated in Massachusetts, for itself and as administrator
of the Mount Auburn Hospital RetirementPlus 403(b) Plan;
THOMAS FABIANO,
Defendants, Appellees.

JUDGMENT

Entered: November 8, 2005

Upon consideration of stipulation,

It is hereby ordered that this appeal be voluntarily dismissed pursuant to Fed. R. App.
P. 42(b) with each party to bear its own costs.

Mandate to issue forthwith.

By the Court:

Richard Cushing Donovan, Clerk

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: NOV 08 2005

By: MARGARET CARTER
Chief Deputy Clerk.

[cc: Messrs: Day and Cronin]